

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 2:13-cr-20494

HONORABLE STEPHEN J. MURPHY, III

TERRELL SHAWNTA BAXTER,

Defendant.

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**OPINION AND ORDER**  
**DENYING MOTION FOR HOME CONFINEMENT [36]**

The Honorable Patrick J. Duggan sentenced Defendant Terrell Shawnta Baxter to 188 months in prison for distribution of child pornography. ECF 30, PgID 111–13. Recently, Defendant sent a letter to the Court and explained that he is not seeking compassionate release but was "merely seeking the possibility of doing the reminder [sic] of [his] sentence in home detention." ECF 36, PgID 135.

The case was then reassigned to the undersigned and the Court ordered the Government to respond. ECF 37. The Government has since responded. ECF 38. Because Defendant is pro se, the Court will liberally construe Defendant's letter as a motion to serve the rest of his sentence in home confinement. *See Spotts v. United States*, 429 F.3d 248, 250 (6th Cir. 2005) (citing *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972) (per curiam) (requiring courts to construe pro se filings liberally)).

Under the First Step Act, 18 U.S.C. § 3582(c)(1)(A), the Court may reduce a defendant's term of imprisonment. But the First Step Act "does not authorize the

district court to order that a defendant serve his already-imposed sentence in home confinement." *United States v. Mattice*, No. 20-3668, 2020 WL 7587155, at \*2 (6th Cir. 2020) (citing *Tapia v. United States*, 564 U.S. 319, 331 (2011)). Instead, the Bureau of Prisons "has sole discretion to transfer an inmate to home confinement." *Id.* (citations omitted). Because the Court lacks the authority to grant Defendant's requested relief, the Court will deny the motion for home confinement.

**WHEREFORE**, it is hereby **ORDERED** that the motion for home confinement [36] is **DENIED**.

**SO ORDERED.**

s/ Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: February 8, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 8, 2021, by electronic and/or ordinary mail.

s/ David P. Parker  
Case Manager